

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DRAKE JONES,

Plaintiff,

v.

HERNANDEZ, et al.,

Defendants.

No. 2:21-cv-00886-DAD-DMC (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
DEFENDANTS' UNOPPOSED MOTION
FOR SUMMARY JUDGMENT

(Doc. Nos. 25, 28)

Plaintiff Drake Jones is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 16, 2023, the assigned magistrate judge issued findings and recommendations recommending that defendants' unopposed motion for summary judgment (Doc. No. 25) be granted because "[o]n the evidence provided by defendants, which plaintiff has not opposed, the court finds there is no genuine dispute of material fact as to plaintiff's excessive force claim" and "plaintiff's medical needs claim." (Doc. No. 28 at 7, 9.) The pending findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 10.) No objections have been filed, and the time in which to do so has now passed.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, the
2 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
3 court concludes that the findings and recommendations are supported by the record and proper
4 analysis.

5 Accordingly:

- 6 1. The findings and recommendations issued on June 16, 2023 (Doc. No. 28) are
7 adopted in full;
- 8 2. Defendants' motion for summary judgment (Doc. No. 25) is granted;
- 9 3. Judgment shall be entered in favor of defendants; and
- 10 4. The Clerk of the Court is directed to close this case.

11 IT IS SO ORDERED.

12 Dated: August 7, 2023

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UNITED STATES DISTRICT JUDGE